



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/961,013 10/30/97 COLMAN

J 830/17

020741  
HOFFMAN WASSON & GITLER  
2361 JEFFERSON DAVIS HIGHWAY  
SUITE 522  
ARLINGTON VA 22202

MM91/0418

EXAMINER

EVANS, F

ART UNIT

PAPER NUMBER

2877

DATE MAILED:

04/18/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

08/961,013

Applicant(s)

COLMAN ET AL.

Examiner

F. L. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 28 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-137 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 51-111, 113 and 119-137 is/are allowed.
- 6) ☐ Claim(s) 112 is/are rejected.
- 7) ☐ Claim(s) 114-118 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

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**Priority**

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Israel on November 4, 1996. It is noted, however, that applicant has not filed a certified copy of the Israeli application as required by 35 U.S.C. § 119(b).

**Drawings**

The drawings are objected to under 37 CFR § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the analyzing instrument specified in claim 51 and the optical filter specified in claims 59, 61, 62, 74, 76, 77, 88-90, 118, 125, 128 and 131 must be shown or the features canceled from the claims. No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(5) because they do not include reference sign 25 mentioned in the description on page 7. Correction is required.

Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of two parts:

- a) A *separate* letter to the Draftsman in accordance with MPEP § 608.02(r); and
- b) A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

**IMPORTANT NOTE:** The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 112 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Falcoff et al (US 4,511,251), newly cited.

Falcoff et al disclose a tube assembly for connection to a fluid analyzing instrument comprising a connector (body 4 with inlet opening 11 and outlet opening 12) having an end face (planar surface with openings 11 and 12), wherein at least a part of the end face is optically reflective. Body 4 can be made of stainless steel which is optically reflective. Applicant's attention is directed to Falcoff et al in its entirety with particular attention directed to lines 51-54 and lines 1-4 in column 3.

**Allowed Subject Matter**

Claims 114-118 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Allowed Claims**

Claims 51-111, 113 and 119-137 are allowed over the prior art of record.

Applicant's arguments filed on September 28, 2000 have been fully considered and they are persuasive with respect to claims 51-111 and 113-137. Applicant's arguments with respect to

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claim 112 have been considered but are moot in view of the new grounds of rejection.

**Additional Prior Art**

Ricciardelli discloses a connector for connecting a tube supplying fluid to an analyzing instrument. The connector has a light emitting diode and corresponding light detector for detecting the presence of lumen tubing within a female socket and a second pair of light emitters and diodes for discriminating different types of respiratory air flow sensors attached to the analyzing instrument.

**Fax/Telephone Numbers**

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax number is (703) 308-7722.

If applicant wishes to send a fax containing a Proposed Amendment for discussion during either a personal interview or a telephone interview then the fax should:

1) Contain either the statement "**DRAFT**" or "**PROPOSED AMENDMENT**" on the Fax Cover Sheet; and

2) Should be unsigned by the attorney or agent.

This will ensure that the amendment will not be entered into the application and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (703) 308-4805. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font, can be reached on (703) 308-4881. The TC Receptionist's telephone number is (703) 308-0956.


Any inquiry of a technical nature regarding reissues, petitions and terminal disclaimers should be directed to Ed Glick whose telephone number is (703) 308-4858, Hien Phan whose telephone number is (703) 308-7502, or Ed Westin whose telephone number is (703) 308-4823. Any inquiry relating to reexams should be directed to Hien Phan, and any inquiry relating to PCTs should be directed to Ed Westin.

Any other inquiry of a technical nature, and all inquiries of a general nature including those relating to the status of an application should be directed to TC 2800 Customer Service Office whose telephone number is (703) 306-3329.

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**F. L. EVANS**  
**PRIMARY EXAMINER**  
**ART UNIT 2877**

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April 10, 2001